

REMARKS

Consideration of the comments which follow in response to the the Official Action mailed September 28, 2006 is respectfully requested by Applicants.

Restriction requirement

The examiner requires restriction under 35 USC §121 to one of the following groups:

- I: Claims 1-22 drawn to a quality control method, classified in class 436, subclass 164
- II: Claims 23, 25, and 26 drawn to a nucleic acid synthesis building block, classified in class 536, subclass 6.1
- III: Claim 24 drawn to a method for the production of a nucleic acid array, classified in class 435, subclass DIG 40

The examiner argues that the inventions are distinct, each from the other, because, firstly, the inventions of Group II (product) and Groups I and III (process of use) are related as product and process of use. In the instant case, the product as claimed can be used in a materially different process of using that product such as split-pool synthesis for making a library of nucleic acid. Secondly, the inventions of Groups I and III are unrelated. In the instant case, the different inventions are not disclosed as capable of use together and they have different modes of operation and effects, i.e., using different steps, requiring different reagents and/or producing different results.

If Applicants elect Group I, the examiner further requires election of species from the following patentably distinct species. Claim 1 is generic.

- (A) Species of a plurality of different biopolymers (e.g., see claims 1 and 12-22)
- (B) Species of detectable protecting groups (e.g., see claims 2-11)

The examiner requires election, for search purposes, a single specific plurality of different biopolymers and a single specific detectable protecting group.

Election of Species and Restriction for Examination

Applicants elect, without traverse, the invention of Group I, claims 1-22.

Applicants further elect, for search purposes, nucleic acids (claim 12).

Applicants further elect, for search purposes, fluorescence groups (claim 2).

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The examiner is hereby authorized to charge any fees associated with this amendment to Deposit Account No. 02-2958. A duplicate copy of this sheet is enclosed.


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